

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

MARK S. SCOTT,

Defendant.

NO.: 17-cr-00630 (ER)

**NOTICE OF MOTION TO
DISMISS FOR INSUFFICIENCY
OF INDICTMENT**

ECF CASE

PLEASE TAKE NOTICE THAT, upon the declaration of David Garvin, dated May 14, 2019, and upon the accompanying memorandum of law, the Defendant Mark S. Scott will move this Court before the Honorable Edgardo Ramos, United States District Court, Southern District of New York, Thurgood Marshall United States Courthouse, 40 Foley Square, Courtroom 619, New York, New York 10007, at a time to be determined by the Court, for an order dismissing the indictment for failure to provide notice required by the Fifth and Sixth Amendments to the United States Constitution and Rule 7 of the Federal Rules of Criminal Procedure, and for such other relief as the Court may deem to be just and proper.

Dated: May 14, 2019

Respectfully submitted,

/s/ David M. Garvin
David M. Garvin
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CERTIFICATE OF SERVICE

I hereby certify that on May 14, 2019, I electronically filed Defendant's NOTICE OF MOTION TO DISMISS with the Clerk of the District Court using its CM/ECF system, which would then electronically notify the parties in this case:

Christopher Joseph DiMase, AUSA;

Julieta Veronica Lozano, AUSA

Nicholas Folly, AUSA

James Nobles, Esq.

/s/ David M. Garvin

David M. Garvin, Esq.

Counsel for Defendant, Mark S. Scott

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